

Passed by the House on April 18, 1997: Yeas 142, Nays 0, 2 present, not voting; passed by the Senate on May 12, 1997: Yeas 31, Nays 0.

Approved May 26, 1997.

Effective May 26, 1997.

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## CHAPTER 329

H.B. No. 2769

### AN ACT

relating to the county depository and depositories for certain trust funds.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 116.116(c), Local Government Code, is amended to read as follows:

(c) A warrant or check, *including a warrant or check issued prior to September 1, 1993*, issued by the county treasurer in settlement of a claim against a county that is not presented for payment before the 366th day following the date of issuance is overdue and nonnegotiable. The sum of the overdue warrant or check shall be credited as revenue to the county if delivery to the payees was attempted or occurred within a reasonable time following the issuance of the warrant or check. No right to full settlement of a proper unpaid claim is extinguished by this subsection.

SECTION 2. Section 117.002, Local Government Code, is amended to read as follows:

Sec. 117.002. TRANSFER OF UNCLAIMED FUNDS TO STATE TREASURER. Any funds, *except cash bail bonds*, deposited under this chapter that are presumed abandoned under Chapter 72, 73, or 75, Property Code, shall be reported and delivered by the county or district clerk to the state treasurer without further action by any court. The dormancy period for funds deposited under this chapter begins on the later of:

- (1) the date of entry of final judgment or order of dismissal in the action in which the funds were deposited;
- (2) the 18th birthday of the minor for whom the funds were deposited; or
- (3) a reasonable date established by rule by the state treasurer to promote the public interest in disposing of unclaimed funds.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 18, 1997: Yeas 142, Nays 0, 2 present, not voting; passed by the Senate on May 12, 1997: Yeas 31, Nays 0.

Approved May 26, 1997.

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## CHAPTER 330

H.B. No. 2812

### AN ACT

relating to the inclusion of performance pay for purposes of contributions and benefits under the Teacher Retirement System of Texas.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 822.201(b), Government Code, is amended to read as follows:

(b) "Salary and wages" as used in Subsection (a) means:

(1) normal periodic payments of money for service the right to which accrues on a regular basis in proportion to the service performed;

(2) amounts by which the member's salary is reduced under a salary reduction agreement authorized by Chapter 610; ~~and~~

(3) amounts that would otherwise qualify as salary and wages under Subdivision (1) but are not received directly by the member pursuant to a good faith, voluntary written salary reduction agreement in order to finance payments to a deferred compensation or tax sheltered annuity program specifically authorized by state law or to finance benefit options under a cafeteria plan qualifying under Section 125 of the Internal Revenue Code of 1986 (26 U.S.C. Section 125), if:

(A) the program or benefit options are made available to all employees of the employer; and

(B) the benefit options in the cafeteria plan are limited to one or more options that provide deferred compensation, group health and disability insurance, group term life insurance, dependent care assistance programs, or group legal services plans; and

(4) *performance pay awarded to an employee by a school district as part of a total compensation plan approved by the board of trustees of the district.*

SECTION 2. This Act applies beginning with the 1997-1998 school year.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 17, 1997: Yeas 146, Nays 0, 2 present, not voting; passed by the Senate on May 12, 1997: Yeas 30, Nays 0.

Approved May 26, 1997.

Effective May 26, 1997.

## CHAPTER 331

H.B. No. 2847

### AN ACT

relating to the line of vegetation in an area of public beach near certain seawalls.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 61.017(c)(1), Natural Resources Code, is amended to read as follows:

(c)(1) In an area of public beach where a seawall structure constructed in its entirety as a single structure of one design before 1970 and continuously maintained with a height of not less than 11 feet above mean low tide interrupts the natural line of vegetation for a distance not less than 4,000 feet nor greater than 4,500 feet, the line of vegetation is along the seaward side of the seawall for the distance marked by the seawall, provided that prior to *September 2, 1997* ~~[December 31, 1996]~~:

(A) a perpetual easement has been granted in favor of the public affording pedestrian, noncommercial use along and over the entire length of the seawall and adjacent sidewalk by the general public;

(B) fee title to the surface estate to an area for public parking and other public uses adjacent to the seawall has been conveyed to and accepted by a public entity, which area contains sufficient acreage to provide at least one parking space for each 15 linear feet of the seawall, is located within the center one-third of the length of the seawall or not farther than 300 feet from that center one-third, and has frontage on the seawall for at least 300 linear feet; and